ARTICLE 1. GENERAL

§ 20200. Applicability of This Chapter.

The procedures specified in this chapter shall govern the manufacture, finishing, quality standards, distribution and inventory control of ballot cards for use in California elections. The provisions of this chapter also govern certification of ballot card manufacturers and ballot card finishers, ballot on demand printers, ballot on demand systems, ballot on demand jurisdictions and the biennial inspection of ballot printing, manufacturing, finishing and storage facilities for ballot cards. All ballot printers and ballot on demand systems that have received Secretary of State certification prior to the adoption of these regulations shall maintain their status as certified until January 1, 2017. The certified ballot printer shall be required to submit a new application. The Secretary of State may require the ballot printer to complete the applicable certification tests.


ARTICLE 2. DEFINITIONS

§ 20201. Ballot Card.

Ballot card means card stock ballot paper processed to final form for use by voters to punch, slot, or mark their choices in California elections.


§ 202012. Sheet Ballot Card Dimension.

Sheet ballot card dimension means the length and width of the ballot cardsheet or sheet in inches.

§ 20203. Ballot Content.

Ballot content means the printed information for a specific election, including but not limited to, the instructions to voters, contest information, candidate information, referenda title and summary, etc.

§ 20204. Ballot on Demand System.

Ballot on demand system means a self contained system that allows users to manufacture or finish ballot sheets or unfinished ballot cards to manufacture and finish ballot paper or to finish unfinished ballot cards into ballot cards on an as needed basis. Users that want to implement a ballot on demand system at their facility are subject to the same requirements as a ballot manufacturer or finisher, as determined by the functionality implemented by the user.


§ 20203. Ballot Sheet.

Ballot sheet means a blank sheet of paper cut to the width and length of a single ballot card.


Card stock/Ballot paper means blank paper either in rolls or sheets cut to size that contain no election specific information including tint and watermark manufactured in accordance with certain specifications rendering it suitable for use in card reading equipment.


§ 20206. Ballot Printer.

Ballot printer means any company that manufactures, finishes, or sells ballot cards, including test ballots, for use in an election conducted pursuant to California Elections Code.

§ 20207. Ballot Style.

Ballot style means the specification for the unfinished ballot card or ballot card. Ballot styles are the combination of the ballot card dimension, format, and ballot type (e.g poll ballot or VBM ballots).
§ 20208. Facility.

Facility means the building or location where a ballot printer manufactures or finishes ballots to be used for California elections.

§ 202059. Finisher.

Finisher means a Secretary of State certified facility that processes sheets or of creating ballot cards to be used in California elections from unfinished ballot cards by adding the ballot content including tint and watermark to make ballot cards to be used in California elections.


§ 2020610. Format.

Format means the pattern of voting locations of unfinished ballot cards or ballot cards (e.g. three column left oval, two column right arrows, etc.). For hole style punch cards, including those that are marked instead of punched, the number of punch positions (e.g. 26, 52, 312, etc.).


§ 202115. User Jurisdiction.

User Jurisdiction means any local election district jurisdiction, county, city, municipal, or special district, etc., that conducts elections pursuant to the California Elections Code.


§ 2020712. Manufacturer.

Manufacturer means a Secretary of State certified facility that processes used to create unfinished ballot cards to be used in California elections from card stock ballot paper to make sheets or, or to make ballot cards by a continuous process involving a single machine, to be used in California elections.


§ 20208. Physical Inventory
Physical inventory means any sheets, unfinished ballot cards, or finished ballot cards maintained by the manufacturer or finisher.


§ 20209. Release.

Release means authorization by the Secretary of State to manufacture ballot cards for a user or to remove sheets or unfinished ballot cards from the warehouse for finishing or shipment to a finisher. Each release will specify the items listed in Article 5.


§ 20210. Roll.

Roll means card stock in web form, trimmed to a width of the size of the ballots or multiples thereof. Rolls are normally produced as an intermediate step in the production of unfinished ballot cards.


§ 20211. Sheet.

Sheet means card stock, tinted for use in California elections, sufficiently large for more than one ballot card and later to be cut, after printing, into individual ballot cards (compare unfinished ballot card).


§ 20213. Test Ballots.

Test ballots means ballots created specifically for the testing of the ballot tabulation equipment as prescribed by Elections Code section 15000. Test ballots shall contain the identical ballot content as the ballot cards that will be used in the election for which the tabulation equipment is being tested and shall only be discernible by markings that make the ballot clearly distinguishable as a test ballot (e.g. “TEST BALLOT”). Further, test ballots must be manufactured and/or finished using the identical make/model and brand of the ballot paper, ink, and manufacturing and finishing equipment as the ballot cards that will be used in the election for which the tabulation equipment is being tested.

§ 202134. Tint.
Tint means a color assigned pursuant to Elections Code section 13002 that is printed on card stock ballot paper for ballots to be used in California elections.


§ 202145. Unfinished Ballot Card.

Unfinished ballot card means card stock ballot paper, tinted and watermarked for use in California elections, cut to the width and approximate length of a single ballot card, and requiring one or more steps in the production of a ballot card. Unfinished ballot cards may have a transitory existence in those processes in which ballot cards are produced directly from untinted card stock (compare sheet). Unfinished ballot cards can be in the form of rolls or sheets.


§ 20215. User. Renumbered to 20210 and amended

User means any local election jurisdiction—county, city, or district—that conducts elections pursuant to the California Elections Code.


§ 20216. Warehouse.

Warehouse means any storage facility, including a building or portion of a building, used for the storage of sheets, unfinished ballot cards, or ballot cards.


§ 20217. Watermark.

Watermark means an image assigned pursuant to Election Code section 13002 that is printed on card stock ballot paper for ballots to be used in California elections.

ARTICLE 3. CERTIFICATION OF MANUFACTURERS, AND FINISHERS AND BALLOT ON DEMAND SYSTEMS

§ 20220. Manufacturer and Finisher Ballot Printer Certification Required.

As either a principal or subcontractor, no ballot printer vendor shall manufacture or finish ballot cards, sheets, ballot sheets or unfinished ballot cards for use in California elections, and no ballot printer vendor shall accept or solicit orders for ballot cards, sheets, ballot sheets or unfinished ballot cards prior to certification as a ballot printer manufacturer or finisher by the Secretary of State.


§ 20220.5. Ballot on Demand System Certification Required. Renumbered to 20263 and amended

(a) No vendor may sell or install and no user may use a ballot on demand system to manufacture or finish ballot sheets or unfinished ballot cards for use in California elections unless the ballot on demand system has been certified by the Secretary of State.

(b) The Secretary of State may impose security measures for the ballot on demand system if the system is to be connected to a network in order to ensure system integrity.


§ 20221. Form of Application for Ballot Printer Certification.

Applications for ballot printer certification shall be made in writing to the Secretary of State and contain the following documentation:

(a) Name and address of the facility requesting certification.

(b) A contact person’s telephone number, fax number and email.

(c) Designation on whether the facility will be used to manufacture, and/or finish unfinished ballot cards or ballot cards.

(d) The type of ballots, including the voting system vendor, voting system and/or component name, for which the certification is being sought.

(e) Documentation detailing how the user intends to comply with the requirements detailed in these regulations.

(f) Make and model of printing equipment.
(g) Type of printing press (e.g. lithographic, xerographic, inkjet, etc.).

(h) Type of ink or toner used (pigment-based, dye-based, waterproof, solid, etc.).

(i) All other equipment, chemicals, or substances used for drying or adhering the toner or ink to the unfinished ballot card or ballot card.

(j) Vendor, brand, and specifications for ballot paper being used.

(k) The manufacturer or finisher must disclose on its application any known flaw or defect in its ballot card manufacturing or finishing process or manufactured or finished ballot cards that could adversely affect the future casting or tallying of votes.


§ 20222. Ballot Printer Certification Testing.

After a completed application is accepted by the Secretary of State, it shall require one of two forms of certification testing to be conducted, which will be taken on a case-by-case basis.

(a) A test conducted by the voting system vendor for which certification is being sought that confirms ballot cards produced by the ballot printer meet the voting system requirements. Prior to being conducted, the test plan for such test must be submitted to the Secretary of State by the voting system vendor and be approved by the Secretary of State; or

(b) A test conducted by the Secretary of State that confirms the ballot cards produced by the ballot printer meet the ballot requirements set forth in the voting system’s Technical Data Package for the voting system for which certification is being sought.


The test plan for testing pursuant to section 20222 shall include the following criteria at a minimum:

(a) The ballot printer must print 5,000 ballots for each ballot style for each voting system for which it seeks certification.

(b) The ballot cards shall be able to be tabulated with the following accuracy and reject criteria as it relates to the acceptance by each component of the voting system for which certification is being sought:

(1) The accuracy error rate shall be zero; and

(2) The ballot rejection rate shall not exceed two percent.
The ballot cards produced shall be tested by being scanned in all orientations applicable to each voting system component for which certification is being sought.

The ballot cards shall meet the voting system’s ballot printing specifications, as certified by the Secretary of State as part of the voting system’s technical data package. The ballot printing specifications for each voting system certified in California are public record and may be obtained by the Secretary of State.

The ballot cards shall pass each moisture test, as described in section 20224 of these regulations.


The test plan for testing pursuant to section 20222 shall include testing against the following portions of the ASTM Specification F2292-03 (2008):

(a) Section 9 entitled “Conditioning”;
(b) Section 10 entitled “Drip Test”; and
(c) Section 13 entitled “Rub Test”;

(d) Pass/Fail Criteria

(1) For an initial interpretation, the failure criteria will be as prescribed by ASTM Specification F2292-03 (2008). If the ballots pass that specification, they shall proceed with the following:
(2) After all of the cards tested against sub-sections (a), (b), and (c) of this section have dried completely, scan each of the cards through every type of tabulator for which the ballot printer is seeking certification.

In the case of a single card scanner (e.g. PCOS), run the cards a minimum of five times, including one pass in every orientation permitted by the tabulating equipment. In the case of a multi card scanner (e.g. CCOS), mix the cards into a batch of a minimum of 100 cards, and scan the batch into the tabulator. This batch of cards shall be ran a minimum of five passes, including one pass in every orientation permitted by the tabulating equipment. All cards shall be tabulated with 100% accuracy. Any inaccurate tabulation will be considered a failed test.

(3) The ballot rejection rate shall not exceed two percent. In the case of a scanner that maintains an image of the ballot, if the ballot is electronically outstacked for reconciliation/adjudication, the ballot will be counted as a rejected ballot per ballot style per voting system in which the ballot printer is seeking certification.

The ballot printer seeking certification shall be responsible for all direct costs associated with the Secretary of State certification testing, as prescribed in section 20222 (b) of these regulations.

§ 202262. Inspections of Facilities Prior to Certification.

Prior to certifying a ballot printer manufacturer or finisher, or to certifying a change in equipment or procedures for ballot printing, the Secretary of State may make inspections, with or without prior notice, of such facilities, and records, equipment, and process of such manufacturer or finisher ballot printer as the Secretary of State deems necessary.


§ 202273. Certifying an Ballot Printing Application.

The Secretary of State will certify in writing any applicant whom the Secretary of State determines to be capable of manufacturing or finishing ballot cards, sheets, ballot sheets, rolls, or unfinished ballot cards, pursuant to California Elections Code, these regulations, to Secretary of State specifications, and the ballot printing specifications certified with each respective voting system.


§ 202287. Subcontracting of Ballot Printing Manufacturing or Finishing.

If any part of the ballot printing manufacturing or finishing process is to be subcontracted, then:

(a) The subcontractor shall be a facility certified by the Secretary of State, prior to performing any ballot printing.

(b) The principal ballot printer manufacturer or finisher shall notify the Secretary of State in writing of the subcontract, including the name of the jurisdiction(s) for which the subcontractor is manufacturing or finishing, and shall state the quantity of ballot cards, sheets, ballot sheets, or unfinished ballot cards, or test ballots to be manufactured or finished under the subcontract.

(c) The Secretary of State will issue releases in the same manner as for a principal contract.

(d) Subcontractors shall be governed under these regulations in the same manner as principal contractors.

§ 20229. Subcontracting of Folding, Stuffing, or Shipment of Ballot Cards.

If any part of the folding, stuffing, or packaging for shipment of ballot cards is to be subcontracted, then:

(a) The principal ballot printer shall notify the Secretary of State in writing and shall state the quantity of ballot cards to be folded, stuffed, or shipped by the subcontractor.

(b) The principal ballot printer shall provide the Secretary of State with the name, address, contact information (e.g. phone, fax, email, etc.) of the subcontractor and facility being used to fulfill the order, if different.

(c) The principal ballot printer shall notify the jurisdiction that the subcontract effects.

§ 2023026. Publish List of Certified Ballot Printers, Manufacturers, Finishers, and Ballot on Demand Systems.

The Secretary of State shall publish a list of certified ballot printers, manufacturers, finishers, and ballot on demand systems no later than January 1 of each year and within ten days of any changes to the list.


§ 20224. Revocation of Certification. Renumbered to 20233

Certifications are valid until revoked by the Secretary of State. The Secretary of State will revoke a certification at any time upon determining that the manufacturer or finisher is no longer capable of manufacturing or finishing ballot cards, sheets, ballot sheets, or unfinished ballot cards or has failed to comply with these regulations without good cause which is acceptable to the Secretary of State.


No change in any information contained within the application, excluding contact information (e.g. phone, fax, email, etc.), equipment or procedures used by any manufacturer or finisher to place tint, watermark, or ballot images on ballot cards, rolls, sheets, ballot sheets, or unfinished ballot cards shall be made without the prior express written certification of the Secretary of State. Applications for such certification shall be
in writing and shall show substantially the same information as the initial application for certification of the ballot printer.


ARTICLE 4. INSPECTIONS OF FACILITIES.

§ 202320. Inspections of Ballot Printing Facilities; Enforcement of Regulations.

To ensure compliance with these regulations, the Secretary of State may make biennial inspections, with or without prior notice, of each warehouse and of the facilities of each certified ballot printer manufacturer or finisher, and of the records, equipment, and process of the ballot printer any warehouse, manufacturer, or finisher as the Secretary of State deems necessary.

The Secretary of State reserves the right to make additional inspections and, should the Secretary of State find that any ballot printer warehouse, manufacturer, or finisher is not or may not be in compliance with these regulations, shall take corrective action necessary to ensure compliance. The action may include, for warehouses found to be not in compliance with these regulations, requiring the withdrawal of ballot cards, sheets, or unfinished ballot cards or test ballots from such warehouse, and the transfer of such ballot materials to warehouses which are in compliance with these regulations or order the destruction of such ballot materials. This action may also include, but is not limited to, the withdrawal of certification of the ballot printer manufacturer or finisher to manufacture, store, or finish ballot cards, sheets or unfinished ballot cards tinted for use in California elections.


§ 2023324. Revocation of Certification.

Ballot printer certifications are valid until revoked by the Secretary of State. The Secretary of State will revoke a certification at any time upon determining that the manufacturer or finisher is no longer capable of manufacturing or finishing ballot cards, sheets, ballot sheets, or unfinished ballot cards or has failed to comply with these regulations without good cause which is acceptable to the Secretary of State.


ARTICLE 35. REQUEST FOR AND RELEASE ACCOUNTING OF BALLOT CARDS, SHEETS, AND UNFINISHED BALLOT CARDS
§ 20235. Request for Ballot Card Release Required Accounting Record.

Unfinished ballot cards and ballot cards shall not be used for any purpose other than for voting in an election being conducted pursuant to California Elections Code. Any ballot printer that places a Secretary of State provided tint or watermark on ballot stock shall maintain a Ballot Card Accounting Record. The Ballot Card Accounting Record shall be submitted to the Secretary of State within twenty-eight (28) calendar days after the date of the election, except for ballot cards purchased after election day for the purpose of duplication, in which case, the Ballot Card Accounting Record shall be submitted to the Secretary of State within twenty-eight (28) calendar days after shipment to the jurisdiction.

(a) Each Ballot Card Accounting Record shall contain the following information:

1. Name of the ballot printer;
2. Name of the election;
3. Date of the election;
4. Tint and watermark assignment for the election;
5. Name of the jurisdiction for which the unfinished ballot cards or ballot cards are being printed;
6. The process being used to produce the ballots;
7. Contract and/or purchase order number;
8. Ballot card dimension;
9. Format;
10. Ballot type (e.g. permanent vote by mail, precinct, accessibility, daily vote by mail updates, duplicates, or ballot on demand);
11. Quantity in the contract or purchase order;
12. Quantity produced (e.g. manufactured and/or finished);
13. Quantity shipped;
14. Quantity scrapped or destructed; and
15. Quantity placed in the warehouse for storage.

(b) For a ballot printer who only finishes the unfinished ballot cards received from a manufacturer, the Ballot Card Accounting Record shall also contain the following information:
(1) Name of the manufacturer who produced the unfinished ballot cards; and

(2) Quantity of unfinished ballot cards received from the manufacturer.

(a) Any user wishing to purchase ballot cards directly from the manufacturer, or wishing
to have a finisher remove sheets or unfinished ballot cards from a warehouse for
finishing, shall request in writing a release from the Secretary of State.

(b) No ballot cards, sheets, or unfinished ballot cards shall be manufactured, and no
sheets or unfinished ballot cards shall be removed from the warehouse for finishing,
prior to issuance of a specific release from the Secretary of State for such
manufacturing or finishing. No ballot cards shall be manufactured or finished except
in the format, sheet dimension, tint, watermark, and quantity specified in the
applicable release.

(c) No tinted card stock shall be used for any purpose other than manufacturing ballot
cards for use in California elections.

(d) Manufacturers wishing to tint rolls in anticipation of receiving releases shall
request in writing authorization from the Secretary of State to tint a sufficient number
of rolls to meet expected orders. Such requests shall be substantially in the form of a
request for release.

(e) Requiring a written request for a release shall not prevent any user from making a
request to obtain a release by telephone from the Secretary of State when time is of
the essence. Such telephoned request shall be confirmed by the requestor as soon as
practicable in writing.

Note: Authority cited: Section 13004, Elections Code. Reference cited: Section 13005,
Elections Code.

§ 20236. Form of Request.

Each written request shall contain the following information.

(a) Name and date of election.

(b) Name of ballot card manufacturer, and finisher(s) if different.

(c) Sheet dimension, watermark and tint of card stock.

(d) Quantity for each sheet dimension, watermark and tint.

(e) Name, address, and phone number of requestor.
ARTICLE 6. MANUFACTURE OF BALLOT CARDS, SHEETS, AND UNFINISHED BALLOT CARDS.

§ 20245. Activity Report.

Manufacturers and finishers shall create an Activity Report that shall set forth the following:
(a) The process involved:

(1) If the process involved is manufacturing, the report shall show whether sheets or unfinished ballot cards are being produced for shipment to a warehouse or finisher, or ballot cards are being produced for shipment to a user.

(2) If the process involved is finishing, the report shall show that the sheets or unfinished ballot cards are withdrawn from the warehouse to produce ballot cards for shipment to a user.

(b) User Name.

(c) Release number; date of release; and quantity released, if applicable.

(d) Purchase order number, if applicable.

(e) Format or sheet dimension.

(f) Tint and watermark. Supply information requested in g(1), g(2), g(3), g(4), or g(5) as appropriate:

(g)(1) In the case of sheets, unfinished ballot cards, or ballot cards received from a warehouse or manufacturer, or to be finished by the manufacturer:

(A) Quantity received, or transferred to finishing equipment if to be finished by manufacturer.

(B) Quantity finished and shipped to user (show date).

(C) Quantity scrapped in process.

(D) Quantity not finished and placed in warehouse or shipped to a warehouse specified by the user (show date).

(E) Quantity manufactured and destroyed (show date).

(2) In the case of ballot cards or unfinished ballot cards produced from rolls:
(A) Dates each printing plate, used for overprinting tint, was removed from and returned to storage; name of each person involved; and, the old and new seal numbers.

(B) Press counter start number and date.

(C) Press counter stop number and date.

(D) Quantity manufactured.

(E) Quantity finished and shipped to user (show date).

(F) Quantity manufactured and shipped to finisher (show date).

(G) Quantity scrapped in process.

(H) Quantity not finished and to warehouse or shipped to a warehouse specified by a user (show date).

(I) Quantity not finished and destroyed (show date).

(3) In the case of production of sheets:

(A) Dates each printing plate, used for overprinting tint, was removed from and returned to storage; name of each person involved; and, the old and new seal numbers.

(B) Press counter start number and date.

(C) Press counter stop number and date.

(D) Number of sheets produced.

(E) Length and width of sheet.

(F) Number of ballot cards to be printed on each sheet.

(4) In the case of production of tinted rolls:

(A) Dates each printing plate, used for overprinting tint, was removed from and returned to storage; name of each person involved; and, the old and new seal numbers.

(B) Number of rolls produced.

(C) Length of roll.
In the case of ballot cards or unfinished ballot cards produced from sheets or tinted rolls:

(A) Quantity manufactured.

(B) Quantity finished and shipped to user (show date).

(C) Quantity manufactured and shipped to finisher (show date).

(D) Quantity scrapped in process.

(E) Quantity not finished and returned to warehouse or shipped to a warehouse specified by a user (show date).

(F) Quantity not finished and destroyed (show date).


§ 2024736. Warehouse Inventory Control Record.

(a) Manufacturers and finishers shall maintain a Warehouse Inventory Control Record of all unfinished ballot cards in its warehouse. The Warehouse Inventory Control Record by tint, watermark, format and sheet dimension, and shall contain the following information:

(1) (a) Ballot printer name; Release number.

(2) (b) Tint and watermark; Purchase order number.

(3) (e) Format; Sheet ballot card dimension.

(4) (d) Format; Tint and watermark.

(e) Activity date.

(5) (f) Quantity placed in warehouse.

(6) (g) Quantity removed.

(7) (h) Balance on hand; in reams, number of unfinished ballot cards or ballot cards.

(8) Date of activity (e.g. placed in or removed from warehouse); and

(9) Name of employee responsible for the activity.
(b) A copy of the Warehouse Inventory Control Record shall be submitted to the Secretary of State on January 15th and August 15th of each calendar year.


§ 20249. Printing Plate Security; Report.

(a) When not in use, printing plates used to overprint a tint on card stock for use in California elections shall be kept either in an enclosure which shall be secured with a numbered seal, or in another enclosure approved in writing by the Secretary of State.

(b) Each time the printing plates are removed from storage, used for tinting or returned to storage, an Activity Report shall be completed to record the transaction and use.

(e) Where the printing plate is destroyed and is not stored, an Activity Report shall be completed to record the person who destroyed the plate, the date, time, and image or design.


§ 20249.5 Ballot Images Encrypted and Secured

(a) Any manufacturer or finisher using electronic ballot images to produce ballot cards must encrypt the files containing the electronic ballot images and store them on a secured or closed network within the certified facility. Any employee who requires access to these files must have a unique log in ID and password and their user activity must be logged. These logs must be maintained for no less than ninety (90) days after the date of an election.

(b) A log shall be maintained each time the electronic ballot images are deleted or destroyed. A copy of this log shall be sent to the Secretary of State with the Activity Report.


§ 2023750. Ballot Scrap and Destruction; Report.

(a) During the ballot printing manufacturing process, all scrap shall be cut or otherwise rendered unusable as ballot cards after each shift daily. A Ballot Scrap and Destruction Activity Report entries shall be prepared at the time of destruction and maintained for the retention period set forth in California Elections Code. The Ballot Scrap and Destruction Report shall contain the following information:

1. Name of the ballot printer:
(2) Name of the election;

(3) Date of the election;

(4) Tint and watermark assignment for the election;

(5) Name of the jurisdiction for which the unfinished ballot cards or ballot cards are being printed;

(6) Contract and/or purchase order number;

(7) Ballot card dimension;

(8) Format;

(9) Ballot type (e.g. permanent vote by mail, precinct, accessibility, daily vote by mail updates, duplicates, or ballot on demand);

(10) Quantity scrapped;

(11) Method of destruction (e.g. cut, ripped/torn, shredded, incinerated, etc.);

(12) Date of destruction; and

(13) Name of the employee responsible for the destruction.

(b) Unused unfinished ballot cards shall either be returned to the warehouse and logged in the Warehouse Inventory Control Record or destroyed and logged on the Ballot Scrap and Destruction Report.

(c) Unused ballot cards shall either:

(1) Be stored in the warehouse and logged in the Warehouse Inventory Control Record until the jurisdiction for which the ballot card was produced has completed its Official Canvass of the Votes Cast at which point the unused ballot cards shall be rendered unusable as ballot cards and logged on the Ballot Scrap and Destruction Report, or

(2) Be immediately rendered unusable as ballot cards and logged on the Ballot Scrap and Destruction Report.

(d) Any unfinished ballot cards or ballot cards that were placed in the warehouse and later removed for purpose of scrap and destruction shall be logged on the Ballot Scrap and Destruction Report.

(e) The Ballot Scrap and Destruction Report shall be submitted to the Secretary of State within seven (7) calendar days after the date of the election or within seven (7) calendar days after unfinished ballot cards or ballot cards have been removed from the warehouse for purpose of scrap and destruction.
§ 20251. Unused Unfinished Ballot Cards; Report.

(a) Unused unfinished ballot cards clearly marked with the quantity, shall be returned to the warehouse and the quantity entered on the Activity Report and the Warehouse Inventory Control Record.

(b) Unused unfinished ballot cards shall be rendered unusable as ballot cards, and an Activity Report entry setting forth destruction shall be made.


§ 20252. Unused Sheets; Report.

(a) Unused sheets, in ream-lots, shall be returned to the warehouse and the quantity shall be entered on the Activity Report and the Warehouse Inventory Control Record.

(b) Unused sheets in less than ream-lot quantity shall be rendered unusable as ballot cards, and an Activity Report entry setting forth such destruction shall be made.


§ 20253. Activity Reports Transmitted to the Secretary of State.

Completed Activity Reports shall be sent to the Secretary of State by each manufacturer or finisher within seven (7) calendar days of the manufacturer's or finisher's completion of any work authorized by any release.


§ 20254. Physical Inventories.

Physical inventories shall be taken on January 15th, April 15th, July 15th, and October 15th of each year. Inventories shall be completed and a report in writing showing the quantity of each item in the warehouse shall be sent to the Secretary of State within seven (7) calendar days of these dates. If a vendor does not maintain a physical inventory, the vendor shall notify the Secretary of State on the dates detailed in this section that it does not maintain a physical inventory.

ARTICLE 74. DISTRIBUTIONSHIPMENT OF BALLOT CARDS, SHEETS, AND UNFINISHED BALLOT CARDS.

§ 20255. Storage; Security. Renumbered to 20250

All sheets or unfinished ballot cards not shipped from the manufacturer's facility shall remain in a secured area of the manufacturer's facility until converted to ballot cards, shipped, or placed in a warehouse. All sheets or unfinished ballot cards that are to be finished by the manufacturer will be placed in a warehouse unless finishing will take place within the same business day, except where the facility is running and is staffed and secured 24 hours a day, in which case the manufacturer or finisher can maintain the sheets or unfinished ballot cards in a secured area of the manufacturer's facility until the finishing is complete. Finishers shall store in a warehouse all unfinished ballot cards they receive from a manufacturer until they are ready to finish them. All manufacturers and finishers shall store in a warehouse all ballot cards until shipped.


§ 20256. Packaging Ballot Cards.

All ballot cards shall be packaged in accordance with the instructions of the user.


§ 20257. Shipment of Ballot Cards; Report.

Upon finishing ballot cards, each finisher shall complete an Activity Report, and send it to the Secretary of State as prescribed in Section 20253. Upon receipt, each user shall report, independently of the finisher's report, the quantity of ballot cards of each format and tint received from the finisher. The shipment shall be identified by release number(s).


§ 2024058. Shipment of Unfinished Ballot Cards or Ballot Cards; Report.

(a) Manufacturers shipping unfinished ballot cards shall complete an Activity Report, and: All unfinished ballot cards and ballot cards shall be packaged as instructed by the jurisdiction. At minimum each order shall contain documentation stating the number of unfinished ballot cards and/or ballot cards contained within the shipment.

(b) (a) The unfinished ballot cards being shipped to a finisher to be finished shall be packaged in containers which completely enclose them with documentation that contains the following information:
(1) Format or Sheet Dimension;

(2) Ballot card dimension;

(3) Tint;

(4) Watermark;

(5) Contract or purchase order number;

(6) Number of unfinished ballot cards or ballot cards in each case or physically contained package; and

(7) Ballot type.

(2) Tint and Watermark.

(3) Purchase Order Number.

(4) Date of Shipment.

(5) Factory Order Number.


§ 20259. Shipment of Sheets; Report.

Manufacturers shipping sheets shall complete an Activity Report and:
(a) Sheets shall be packaged in multiples of whole reams, ream marked.

(b) Each package shall be wrapped in a manner that protects the ballots from water, which bears a label stating:

(1) Sheet Dimension.

(2) Tint and Watermark.

(3) Number of Reams in the package.

(4) Direction of grain.

(5) Purchase Order Number.

(6) Date of Shipment.
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(7) Factory Order Number.
(c) All sheets shall be shipped in accordance with the instructions of the user.


§ 2026041. Transportation Methods.

Unfinished ballot cards or sheets and ballot cards shall be shipped by covered motor freight, by train, or by air. Covered motor freight shall not include pickups, flat-beds, or stake-side vehicles whether or not covered by a tarpaulin.


§ 202642. Security; Shipment Responsibility.

The company shipping the unfinished ballots cards or ballot cards is charged with full responsibility for the security of all ballot cards, sheets, or unfinished ballot cards until acceptance of delivery at destination.


§ 20262. Shipment of Sheets or Unfinished Ballot Cards.

Manufacturers shipping sheets or unfinished ballot cards shall report to the Secretary of State immediately upon shipment the quantity shipped and the scheduled delivery date.


ARTICLE 85. WAREHOUSE ACCESS CONTROL PHYSICAL SECURITY

§ 202505. Storage; and Security.

All sheets or unfinished ballot cards not shipped from the ballot printer’s manufacturer’s facility shall remain in a secured area of the ballot printer’s manufacturer’s facility until converted to ballot cards, shipped, or placed in a warehouse. All sheets or unfinished ballot cards that are to be finished by the ballot printer manufacturer will be placed in a warehouse unless finishing will take place within the same business day, except where the facility is running and is staffed and secured 24-hours a day, in which case the ballot printer manufacturer or finisher can maintain the sheets or unfinished ballot cards in a secured area of the ballot printer’s manufacturer’s facility until the finishing is complete. Finishers shall store in a warehouse all unfinished ballot cards they receive from a manufacturer until they are ready to finish them.
All ballot cards may remain in a secured area of the ballot printer’s facility while they are a work in process. Should the ballot cards need to be stored from the time that they are no longer a work in process until the time that they are shipped, the ballot cards shall be placed in a warehouse. All manufacturers and finishers shall store in a warehouse all ballot cards until shipped.


At all times an unfinished ballot cards or ballot card's physical inventory area is maintained within a warehouse, the warehouse shall be secured with a method to determine each person that has accessed the warehouse. This method shall have the capability to number a seal. Any unauthorized access to this warehouse must be detectable.


(a) Each certified ballot printer facility shall maintain a log of employees that have access to any of the print equipment, ballot paper, unfinished ballot cards, or ballot cards. This log can either be an electronic log (e.g., key card access) or a physical log (e.g., Employee Access Log). Each log, whether electronic or physical, shall contain the following information:

(1) List of employees;

(2) Areas of the facility to which each employee has access; and

(3) A log of when each employee gains physical access to any of the items listed in subsection (a) of this section.

(b) A letter listing those persons proposed for authorized access to each warehouse shall be maintained and physically kept within the confines of the warehouse, along with the Warehouse Access Log submitted to the Secretary of State. A copy of this letter shall be placed in the warehouse Inventory Control Record. Access to the warehouse shall be limited to those persons named therein.

(c) Secretary of State personnel are authorized for access, when visiting a warehouse site, to have temporary access during the visit.


§ 2026753. Warehouse Access Log.
An Warehouse Access Log shall be maintained within the area of the warehouse where the sheets, unfinished ballot cards, or ballot cards are stored. This log shall be maintained for every entry and exit of the warehouse at all times that unfinished ballot cards or ballot cards are being stored in the warehouse. This log shall record:

(a) The name of each person entering the warehouse.

(b) The seal number destroyed in entering.

(c) The seal number resealing the warehouse.


**ARTICLE 6. CERTIFICATION OF BALLOT ON DEMAND SYSTEMS**

§ 20260. Ballot on Demand System Certification Required.

(a) A jurisdiction shall not purchase, lease or contract for a ballot on demand system unless it has been certified by the Secretary of State.

(b) No vendor, company, or person shall sell, lease, or contract with a jurisdiction for the use of a ballot on demand system unless it has been certified by the Secretary of State.

(c) Nothing in this section precludes a jurisdiction from conducting research and development of a ballot on demand system.

§ 20261. Ballot on Demand System Application Form.

(a) Any person, company, or public agency owning or having an interest in the sale or acquisition of a ballot on demand system may apply to the Secretary of State for certification of that system. The application shall be in writing and shall include the following information:

(1) Information about the applicant, including name, address, telephone number, and business address, if applicable;

(2) Information about the ballot on demand system including, but not limited to, software and firmware version numbers;

(3) System architecture, configurations, option settings and parameters for all software, firmware and hardware (including COTS), as applicable;
(4) A directory listing of program, data, and support files required to install, configure, operate, and/or provide supplemental support for the ballot on demand system;

(5) All the documentation necessary for the identification of the full system configuration submitted for evaluation and for the development of an appropriate test plan for conducting system certification testing, collectively referred to as the Technical Data Package (TDP);

(6) A list of ballot styles and the respective voting system for which certification is sought;

(7) Photographs of the ballot on demand system; and

(8) A list of jurisdictions that use the ballot on demand system.

(b) Any ballot on demand system to be used for the batch printing of vote by mail ballots shall contain a ballot audit system. The ballot audit system shall have a mechanism to perform a verification check of content (e.g. precinct, ballot style, ballot type etc.) on the ballot card against content being submitted through the ballot on demand and/or election management system to validate that the correct ballot card was printed as submitted by the ballot on demand system. If the ballot on demand system is to be used for batch printing, it shall be notated on the application and the necessary documentation shall be provided with the application.

§ 20262. Ballot on Demand System Certification Testing.

After a completed application is accepted by the Secretary of State, it may require one of two forms of certification testing to be conducted, which will be taken on a case-by-case basis.

(a) A test conducted by the voting system vendor for which certification is being sought that confirms ballots produced by the ballot on demand system meet the voting system requirements. Prior to being conducted, the test plan for such test must be submitted to the Secretary of State by the voting system vendor and be approved by the Secretary of State; or

(b) A test conducted by the Secretary of State that confirms ballots produced by the ballot on demand system meet the ballot requirements set forth in the voting system’s Technical Data Package for the voting system for which certification is being sought.

§ 20263. Ballot on Demand System Certification Testing Criteria.
(a) The ballot shall be able to be tabulated with the following accuracy and reject criteria as it relates to the acceptance by each component of the voting system for which certification is being sought:

(1) The accuracy error rate shall be zero; and

(2) The ballot rejection rate shall not exceed two percent per ballot style per voting system for which the ballot printer is seeking certification.

(b) The ballots produced shall be tested by being scanned in all orientations applicable to each voting system component for which certification is being sought.

(c) If the ballot on demand system is seeking certification to be used in conjunction with an election management system and/or for printing batches, ballot cards shall be generated utilizing the applicable components.

(d) The ballot on demand system shall be able to accept the ballot style and ballot type data produced by the voting system for which certification is being sought.

(e) The ballot on demand system shall have restrictions allowing and disallowing users to access the ballot data based on the setting and configuration parameters placed on the system.

(f) Any electronic communication to or from the ballot on demand system shall be tested for accuracy and security.

(g) Any component, whether internal or external to the ballot on demand system, that communicates directly to the ballot on demand system to generate the voter’s ballot style and ballot type information may be tested as part of the ballot on demand system. This includes, but is not limited to voter registration systems, election management systems, electronic poll books, etc. relevant and limited to testing ballot on demand operations.

(h) Any component, whether internal or external to the ballot on demand system, that duplicates and/or remakes a ballot, inclusive of the ballot marks, but does not save or export any ballot content data for tabulation may be tested as part of the ballot on demand system.

(i) Any component, whether internal or external to the ballot on demand system, that duplicates and/or remakes a ballot, inclusive of the ballot marks, and saves or exports any ballot content data for tabulation may be tested as part of the voting system.

(j) The system shall be able to produce a report of the following information:
(1) Quantity of ballot cards produced.

(2) Quantity of ballot cards produced by style.

(3) Quantity of ballot cards produced accurately.

(4) Quantity of ballot cards misprinted and the associated ballot style and ballot type for the misprinted ballot card.

(5) Quantity of ballot cards produced by user.

(6) Audit log for activity by user, including but not limited to the deletion, modification, and addition of ballot definition files on the system.

§ 20264. Costs of Ballot on Demand Certification Testing.

The ballot on demand system applicant seeking certification shall be responsible for all costs associated with the Secretary of State certification testing, as prescribed in section 20262 (b) of these regulations.

§ 20265. Certifying a Ballot on Demand Application.

The Secretary of State will certify in writing any ballot on demand system that the Secretary of State determines to be capable of manufacturing or finishing ballot cards pursuant to California Elections Code, these regulations, Secretary of State specifications, and the ballot printing specifications certified with each respective voting system.

The Secretary of State may impose security measures for the ballot on demand system if the system is to be connected to a network in order to ensure system integrity.


§ 20266. Publish List of Certified Ballot on Demand Systems.

The Secretary of State shall publish a list of certified ballot on demand systems no later than January 1 of each year and within ten days of any changes to the list.


§ 20267. Change in Ballot on Demand System Certification.

No change in the equipment or procedures used by the ballot on demand system to place tint, watermark, or ballot images on ballot cards or to the ballot audit system, as applicable, shall be made without the prior express written certification of the Secretary of State. Applications for such certification shall be in writing and shall show
substantially the same information as the initial application for certification of the ballot on demand system.


§ 20268. Revocation of Certification.

Certifications are valid until revoked by the Secretary of State. The Secretary of State will revoke a certification at any time upon determining that the ballot on demand system is no longer capable of manufacturing or finishing ballot cards or has failed to comply with these regulations without good cause which is acceptable to the Secretary of State.


ARTICLE 7. APPROVAL FOR USE OF A BALLOT ON DEMAND SYSTEM

§ 20270. Jurisdiction Request for Approval.

A jurisdiction shall not use a ballot on demand system to manufacture or finish ballot cards for use in California elections unless the ballot on demand system has been certified pursuant to section 20260 of these regulations and the jurisdiction has been approved by the Secretary of State, as described herein.

The approval for use is for the jurisdiction in its entirety and not for a specific location, so long as the procedures for use cover all implementations of the system.

A jurisdiction may submit a separate application for approval for a ballot on demand system that will be used solely at the central location for manual and/or batch printing and a separate application for a ballot on demand system that will be used off-site in an early voting or vote center. Submitting separate applications for the two methods is a suggested best practice, but is not required by these regulations.

§ 20271. Conditions for Approval.

Any jurisdiction seeking approval to use a certified ballot on demand system shall submit an application that includes:

(a) The ballot on demand system the jurisdiction requests approval to use.

(b) The voting system for which the ballot on demand system will produce ballot cards.
(c) The process used to create ballot cards (e.g., manufacturing and finishing or finishing).

(d) The planned configuration for using the system (e.g., manual, over-the-counter single ballot production, batch printing, or both).

(e) Whether the system will be connected to the election management system, electronic pollbook, or any other network. If there will be connectivity, the application shall state which system(s) the ballot on demand system will connect.

§ 20272. Procedures for Use.

Any jurisdiction seeking approval to use a certified ballot on demand system shall submit procedures for use that include:

(a) Procedures for securing the ballot images and ballot data, including but not limited to encrypted transmission of the files.

(b) Procedures for user login and passwords. At a minimum each user must have a unique login and password.

(c) Procedures for locking the ballot on demand server and/or client(s) in a secure enclosure.

(d) Procedures for securing the ballot paper, unfinished ballot cards, and/or ballot cards, respectively, while unattended and/or not in use.

(e) Procedures for daily ballot accounting. At a minimum the user shall log the following:
   
   (1) Name of the jurisdiction;
   
   (2) Name of the election;
   
   (3) Date of the election;
   
   (4) Tint and watermark assignment for said election;
   
   (5) Ballot card dimension;
   
   (6) Format;
   
   (7) Ballot type (e.g., permanent vote by mail, precinct, accessibility, daily vote by mail updates, duplicates, or ballot on demand);
   
   (8) Quantity of ballot paper or unfinished ballot cards taken from inventory, respectively;
(9) Quantity of ballot cards produced, including a method for accounting for each ballot card activity (e.g. ballot submitted to voter, duplicate ballot card, Test Ballot, etc.);

(10) Date of activity; and

(11) Initial or name of employee responsible.

(f) Procedures for implementing chain of custody (e.g. two person rules) when producing ballot cards.

(g) Procedures for verification of the ballot style and ballot type printed on the ballot card against the voter registration record.

§ 20273. Approving a Jurisdiction Application.

The Secretary of State shall approve the application for the jurisdiction to use the ballot on demand system if the Secretary of State determines the jurisdiction’s proposed procedures for use meet all the requirements set forth in California Elections Code and these regulations.

§ 20274. Change in Process and Procedures.

A jurisdiction shall submit an updated application and/or updated procedures for use, respectively, any time that any of the required criteria is modified or changed. The Secretary of State will approve the modification(s) and/or change(s) for the jurisdiction to use the ballot on demand system if the Secretary of State determines the jurisdiction’s proposed procedures for use meet all the requirements set forth in California Elections Code and these regulations.

§ 20275. Revocation of Approval.

Approvals are valid until revoked by the Secretary of State. The Secretary of State will revoke an approval at any time upon determining that the jurisdiction has failed to comply with the procedures for use and/or these regulations without good cause which is acceptable to the Secretary of State.

§ 20276. Inspection of Approved Jurisdictions.

To ensure compliance with these regulations, the Secretary of State may inspect, with or without prior notice, the procedures, logs, and equipment, as specified in the application for approval, of each approved jurisdiction as the Secretary of State deems necessary.

ARTICLE 8. BALLOT ON DEMAND PRE-ELECTION TESTING

§ 20280. Testing of Ballot Cards Produced by Ballot on Demand System.
During the testing of ballot tabulating devices pursuant to Elections Code section 15000, jurisdictions approved to use a ballot on demand system shall produce test ballots printed from its ballot on demand system to deem that the ballot on demand system is configured, calibrated, and performing as intended. Those test ballots printed from the ballot on demand system shall be scanned, tabulated, and the accuracy verified on each type of voting system component to be used in the specific election.